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Mich. Workmens Compensation Law

THEORY ON WHICH THE WORKMEN'S COMPENSATION LAW IS BASED.

The theory of the compensation law is based on the assumption that when a worker is injured in an industry the loss to him was occasioned by the industry, and that the product of that industry should be charged with his losses, and should pay for them. The law should be supported to the end.

THAT INJURED WORKMEN MAY RECEIVE JUSTICE.

THAT EMPLOYERS MAY HAVE FIXED LIABILITIES AND ESCAPE THE EMBARRASSMENT AND EXPENSE OF DAMAGE SUITS.

THAT THE COURTS BE RELIEVED OF THE TIME OF TRYING DAMAGE SUITS.

THAT THE PUBLIC TREASURY BE RELIEVED OF THE EXPENSE OF THESE DAMAGE SUITS.

THAT THE PUBLIC BE RELIEVED OF THE EXPENSE OF CARING FOR THE VICTIMS OF INDUSTRIAL ACCIDENTS.

THAT MORE HARMONIOUS RELATIONS BE PROMOTED BETWEEN EMPLOYERS AND EMPLOYES.

The cardinal principles of a compensation law should be:

REASONABLE COMPENSATION AT MINIMUM COST FOR ALL ACCIDENTS EXCEPT THE RESULT OF WILFUL FAULT.

CERTAINTY OF AMOUNT.

CERTAINTY OF PAYMENT.

PAYMENT WITHOUT LITIGATION.

PREVENTION OF ACCIDENTS.

Reclass. 3-17-30 A.V.M.

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STATE OF MICHIGAN.

WORKMEN'S COMPENSATION LAW.

PUBLISHED BY

THE INDUSTRIAL ACCIDENT BOARD

LANSING.

Act No. 10 of Public Acts Extra Session 1912.

AN ACT to promote the welfare of the people of this state relating to the liability of employers for injuries or death sustained by their employes, providing compensation for the accidental injury to or death of employes, and restricting the right to compensation or damages in such cases as are provided by this act.

The Workmen's Compensation Act, in force Sept. 1, 1912, stipulates that compensation shall be provided by employers accepting the provisions of said act to all employes (except those injured by reason of intentional and wilful misconduct) who are injured in the course of their employment; and the act further provides that an employer accepting the provisions of this act shall post in conspicuous places notices that he accepts and will be bound by the provisions of this act.

The acceptance of the provisions of this act is optional both with the employe and employer. If the employer elects to come under the provisions of the act the employe will be conclusively presumed to have accepted its provisions unless he gives notice to his employer that he declines to accept the provisions of the act.

If an employer has not declared his intention of complying with the provisions of the act the employer will be denied the defenses that have been heretofore generally offered to suits in cases of accident. These defenses, three in number, are: Negligence on the part of the employe, known as contributory negligence; negligence of a fellow-employe; and the assumption by the employe of the risk of his occupation.

If the employer has declared his intention of complying with the provisions of the act and does comply and the employe has elected not to come under the law, the employer will retain the above named defenses in court in the event of injury to the employe electing not to accept the provisions of the act.

Any employe who has given notice to his employer that he elects not to be subject to the provisions of the act may waive such claim by a notice in writing, which shall take effect five days after it is delivered to the employer, at the expiration of which period the law will apply to such employe.

In accordance with the intents and purposes of the law and to the end that employes may become familiar with its provisions, herein will be found a statement of the compensation features. A copy of the full text of the law may be had on application to Industrial Accident Board, Lansing.

SECTION 2, PART 2.

If an employe is injured by reason of his intentional and wilful misconduct he shall not receive compensation.

SECTION 3.

No compensation shall be paid under this act for any injury which does not incapacitate the employe for a period of at least two weeks from earning full wages, but if incapacity extends beyond the period of two weeks, compensation shall begin on the fifteenth day after the injury: Provided, however, That if such disability continues for eight weeks or longer, such compensation shall be computed from the date of the injury.

SECTION 4.

During the first three weeks after the injury the employer shall furnish, or cause to be furnished, reasonable medical and hospital services and medicines when they are needed.

AMOUNTS OF COMPENSATION TO BE PAID IN EVERY CASE OF INJURY WHICH RESULTS IN DEATH OF AN EMPLOYE.

SECTION 5.

If employe leaves dependents wholly dependent for support on his earnings, a weekly payment of one-half his average weekly wages, but not more than $10 nor less than $4 a week, for three hundred weeks.

If employe leaves dependents only partly dependent, such percentage as the contributions made to dependents bore to his earnings.

If weekly payments have been made to the injured employe before his death, the compensation to dependents shall begin from the date of the last of such payments.

No person shall be considered a dependent, unless a member of the family of the deceased employe, or bears to him the relation of husband or widow, or lineal descendant, or ancestor, or brother, or sister.

SECTION 8.

If employe leaves no dependents of any kind, expenses of his last *sickness and* burying shall be paid, not to exceed $200.

COMPENSATION TO BE PAID FOR EVERY CASE OF INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT.

SECTION 9.

For complete disability, compensation of one-half weekly wages but not more than $10, nor less than $4, for 500 weeks, total amount not to exceed $4,000.

SECTION 10.

For partial disability one-half the difference between wages earned before injury and wages which injured is able to earn thereafter but not more than $10 a week, and for a period not to exceed 300 weeks.

Specific payments for injuries as per the following schedule, subject to a maximum of $10, and a minimum of $4 per week:

For the loss of a thumb, fifty per centum of the average weekly wages during sixty weeks;

For the loss of a first finger, commonly called index finger, fifty per centum of average weekly wages during thirty-five weeks;

For the loss of a second finger, fifty per centum of average weekly wages during thirty weeks;

For the loss of a third finger, fifty per centum of average weekly wages during twenty weeks;

For the loss of a fourth finger, commonly called little finger, fifty per centum of average weekly wages during fifteen weeks;

The loss of the first phalange of the thumb, or of any finger, shall be considered to be equal to the loss of one-half of such thumb, or finger, and compensation shall be one-half the amounts above specified;

The loss of more than one phalange shall be considered as the loss of the entire finger or thumb: Provided, however, That in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

For the loss of a great toe, fifty per centum of average weekly wages during thirty weeks;

For the loss of one of the toes other than a great toe, fifty per centum of average weekly wages during ten weeks;

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified;

The loss of more than one phalange shall be considered as the loss of the entire toe;

For the loss of a hand, fifty per centum of average weekly wages during one hundred and fifty weeks;

For the loss of an arm, fifty per centum of average weekly wages during two hundred weeks;

For the loss of a foot, fifty per centum of average weekly wages during one hundred and twenty-five weeks;

For the loss of a leg, fifty per centum of average weekly wages during one hundred and seventy-five weeks;

For the loss of an eye, fifty per centum of average weekly wages during one hundred weeks;

The loss of both hands, or both arms, or both feet, or both legs, or

both eyes, or of any two thereof, shall constitute total and permanent disability, to be compensated according to the provisions of section nine, part 2.

SECTION 11.

The fact that an employe has suffered a previous disability, or received compensation therefor, shall not preclude compensation for a later injury, or for death, but in determining compensation for the later injury, or death, his average annual earnings shall be such sum as will reasonably represent his annual earning capacity at the time of the later injury in the employment in which he was working at such time, and shall be arrived at according to and subject to the limitations of the provisions of this section.

SECTION 12.

The death of the injured employe prior to the expiration of the period within which he would receive such weekly payments shall be deemed to end such disability, and all liability for the remainder of such payments which he would have received in case he had lived shall be terminated, but the employer shall thereupon be liable for the following death benefits in lieu of any further disability indemnity:

If the injury so received by such employe was the proximate cause of his death, and such deceased employe leaves dependents, as hereinbefore specified, wholly or partially dependent on him for support, the death benefit shall be a sum sufficient, when added to the indemnity which shall at the time of death have been paid or become payable under the provisions of this act to such deceased employe, to make the total compensation for the injury and death, exclusive of medical and hospital services and medicines furnished as provided in section four hereof, equal to the full amount which such dependents would have been entitled to receive under the provisions of section five hereof in case the accident had resulted in immediate death, and such benefits shall be payable in weekly installments in the same manner and subject to the same terms and conditions in all respects as payments made under the provisions of said section five.

SECTION 13.

No savings or insurance of the injured employe, nor any contribution made by him to any benefit fund or protective association independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than those paid or caused to be paid by the employer as herein provided, be considered in fixing the compensation under this act.

SECTION 14.

If an injured employe is mentally incompetent or is a minor at the time when any right or privilege accrues to him under this act, his guardian or next friend may in his behalf claim and exercise such right or privilege.

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